IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 28340 of 2006(W)

PETITIONERS:

1. LEELA ANTHARJANAM,
   W/O.VISHNU BHATTATHIRI, KIZHAKKE PULLAMVAZHY
   ILLOM, HARIPPAD.

2. UMESH V. BHATTATHIRI,
   S/O.LEELA ANTHARJANAM, KIZHAKKE PULLAMVAZHY ILLOM,
   HARIPPAD, ALAPPUAZHA DISTRICT.

BY ADV. SRI.V.GIRI
SRI.L.RAJESH NARAYAN

RESPONDENTS:

1. DEVASWOM COMMISSIONER,
   TRAVANCORE DEVASWOM BAORD, NANTHANCODE P.O.,
   THIRUVANANTHAPURAM.

2. THE SECRETARY, TRAVANCORE DEVASWOM
   BOARD, NANTHANCODE P.O., THIRUVANANTHAPURAM.

3. THE ASSISTANT COMMISSIONER,
   MAVELIKKARA DEVASWOM OFFICE, MAVELIKKARA.

4. THE ADMINISTRATIVE OFFICER,
   HARIPPAD DEVASWOM OFFICE, HARIPPAD.

5. KRISHNAN NAMBOOTHIRI,
   KIZHAKKEPULLAM VAZHI ILLAM, HARIPAD,
   ALAPPUZHA DISTRICT.

BY ADV. SRI.D.SOMASUNDARAM
SRI.BINOY VASUDEVAN FOR R5
SRI.D.SREEKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE JUDGMENT IN W.P(C) NO.12658/2004 DATED 26.7.2006 OF THIS HON'BLE COURT

EXHIBIT-P2: TRUE COPY OF NOTICE DATED 11.9.2006 CALLING UPON THE PETITIONER BY THE BOARD

EXHIBIT-P3: TRUE COPY OF THE BOARD ORDER BEARING NO.ROC/8707/03/MSI DATED 13.10.2006

RESPONDENT EXHIBITS:

EXHIBIT R5 (a): TRUE COPY OF THE DOCUMENT DATED 27.2.1980 EXECUTED BY LATE PARAMESWARAN NAMBOODIRI IN FAVOUR OF THE 5TH RESPONDENT AND HIS WIFE

EXHIBIT R5 (b): TRUE COPY OF THE PLAINT IN OS.212/2006 OF SUB COURT, MAVELIKARA

EXHIBIT R5 ©: TRUE COPY OF R.O.C. NO.8707/03/MIS 1 ISSUED BY THE TRAVANCORE DEVASWOM BOARD DATED 2.12.2004

/TRUE COPY/

P.A. TO JUDGE

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.28340 of 2006-W

Dated this the 28340 day of June, 2007.

J U D G M E N T

The first petitioner is the mother of the second petitioner. The first petitioner who is the daughter of Sri. Parameswaran Namboodiri, the former Thanthri of Harippad Subramanya Swami Temple claims that her son, the second petitioner should be appointed as the Thanthri of that Temple. This claim is based on the fact that she has no brothers. But, her father, the former Thanthri has elected one of his sons-in-laws Sri. Krishnan Namboodiri as his successor and all his rights in relation to the Temple has been transferred to the said person. Based on that assignment, the Devaswom Board has recognised Sri.Krishnan Namboodiri as the Thanthri of the temple since 1996. The claim raised by the first petitioner on behalf of her son, the second petitioner was not accepted by the Devaswom Board in view of the appointment of Sri.Krishnan Namboodiri. Pursuant to the direction of this Court, her claim was considered by the Devaswom Board and rejected it by Ext.P3 order dated 13-10-2006. This writ petition is filed challenging that order.

2. The respondents would submit that the point that arises for

decision in this case is a civil dispute which can be adjudicated appropriately by the competent Civil Court.

3. I find considerable force in the submission of the respondents. The dispute involved in this case has to be decided by the competent Civil Court. It is ordered that the findings of the Devaswom Board in Ext.P3 will not bind the petitioner or the respondents while contesting the civil suit and the Devaswom Board will be bound to follow the decision of the Civil Court concerning the appointment of Thanthri.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS